

BOARD OF REVIEW DECISION

Title of Publication: Hostel Part II

Other Known Title: Not Stated

Format: DVD

Director/Author: Eli Roth

Producer/Publisher: Eli Roth, et al.

Country of Origin: United States

Language: English

Applicant: Sony Pictures

Classification:	The excised version of this publication is classified as Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years. The unexcised version of this publication is classified as Objectionable.
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Descriptive Note: Torture and sadistic violence.

Display Conditions: Nil

Date of entry in Register: 29 January 2008

Date of direction to issue a label: 29 January 2008

OFLC No: 800166

Unexcised version of publication:

	Components	Running time
Feature:	Hostel Part II	95.08
Total running time:		95.08

Excisions: Excisions Recommended And Made

Reasons for excisions:

Physical conduct in which sexual satisfaction is obtained by the perpetrator from the infliction of cruelty and pain on Lorna.

Excised version of publication:

	Components	Running time
Feature:	Hostel Part II	92.03
Total running time:		92.03

**Summary of reasons
for classification:****SUMMARY OF REASONS FOR DECISION:****Section 3(1) of the Films, Videos, and Publications Classification Act 1993**

In the Court of Appeal decision of “*Living Word v Human Rights Action Group (2000)*” 3 NZLR 570 (hereinafter called “the Living Word decision”), it was determined that the Board must consider whether each publication passed through one of the “gateways,” and then consider if it was likely to be “*injurious to the public good.*”

Matters such as sex:

The Board considers that pursuant to section 3(1) of the Act, the publication passes through the gateways of sex in that the feature deals with sexual matters in a moderate way. In the massage parlour there is a room full of scantily clad women. A man is being fellated by a woman on a bed briefly. It is not shown in great detail. In another brief scene, young American women discuss orgasms, while walking through the streets, and refer to their vibrators in a humorous way. The scene depicting the “blood-bath” with Lorna as the victim is part of the perpetrator’s sexual fantasy. Beth pretends attraction to Stuart in an attempt to forestall the threats to her life.

The depictions of matters of sex are sufficiently graphic to be injurious to the public good if not restricted.

Matters such as horror:

Horror includes the presentation of the torture chambers, which leads to a sense of imminent danger. There are glimpses of torture, as the camera follows various perpetrators. One victim is being electrocuted. In another scene a man is forced to watch a piece of his thigh being carved onto a plate, taken to a table and eaten. One leg has been amputated. There are graphic images of decapitated bodies and body parts being wheeled by on trolleys. When Stuart sees the remains of his friend Todd, he tortures his victim even more rigorously.

Animals are used for horrific purposes. A cat is seen perched on a man’s shoulder, after his head has been decapitated, licking the ooze. Dogs are shown to have eaten a victim in an elevator. The dogs are also fed amputated genitalia.

The depictions are of sufficient magnitude to be injurious to the public good if not restricted.

Matters such as cruelty and violence:

There is sadistic cruelty and violence throughout the film. The blood and gore is graphic. There are graphic depictions of mutilation to Lorna, Stuart and others. If unrestricted the cruelty and violence would be injurious to the public good.

Matters such as crime:

Many of the acts performed are criminal including assault and murder. Abduction of all victims, shooting of the child, and the various mutilations are criminal acts. The acts are depicted in a sufficiently graphic manner to be injurious to the public good if unrestricted.

The Board finds that “*Hostel Part II*” passes through the “gateways” of sex, horror, cruelty, violence and crime.

Section 3(2)

Under section 3(2) of the Act, a publication is deemed to be objectionable if it promotes or supports, or tends to promote or support, acts of torture, or the infliction of extreme violence, or extreme cruelty under s 3(2)(f).

In *Moonen v Film and Literature Board of Review (Moonen I)*, the Court of Appeal held that the words “*promote or supports*” must be given “*such available meaning as impinges as little as possible on the freedom of expression*” so as to accord with the Bill of Rights. The Court stated:

“description and depiction..... of a prohibited activity do not of themselves necessarily amount to promotion of or support for that activity. There must be something about the way the prohibited activity is described, depicted or otherwise dealt with, which can fairly be said to have the effect of promoting or supporting that activity.”

The Board considers that a publication must advance, encourage, uphold or strengthen; rather than merely depict, describe or deal with one of the activities listed in s 3(2); for it to be deemed to be objectionable under that provision.

The Board finds a number of scenes in the film are problematic in that they describe acts of torture or the infliction of extreme violence or extreme cruelty. These scenes include the “blood-bath” scene in which Lorna is killed, the skill saw through the victim’s head, Beth’s torture, the person eaten by dogs in the lift, the man being carved up like a ham, the decapitation of Paxton, the killing of Axelle, the procurer, glimpses of the other victims in torture chambers, and the selection and shooting of the child.

Although these scenes are acts of torture, or the infliction of extreme violence, or extreme cruelty, the Board does not find that they promote or support, or tend to promote or support the activities. For instance, in the skill saw incident, the perpetrator is repulsed by his actions and Beth’s torturer vacillated. There was no emotional reaction to the person eaten by the dogs except by his friend, who became very angry. Similarly, Beth’s torture of Stuart was survival or revenge, and her killing of Axelle, the procurer, was similarly in

anger or revenge. None of the activities or perpetrators were portrayed in a positive light, encouraging emulation.

The Board did not therefore find *Hostel Part II* came within s3(2)(f) of the Act.

Section 3(3)

Having found the s3(2) of the Act did not apply, the Board was required to classify “*Hostel Part II*” under s 3(3) of the Act.

Section 3(3)(a)(i)

The Board considers that s 3(3)(a)(i) of the Act applies to the film, in that there are numerous depictions of torture, significant cruelty and serious physical harm within it. Examples of the torture, cruelty and violence have been detailed earlier in this decision.

The Board must give particular weight to the extent and degree to which, and the manner in which, the film describes, depicts or otherwise deals with the torture, cruelty and serious physical harm. The Board finds in “*Hostel Part II*”, the extent and degree is high. The manner in which the behaviours are depicted is graphic and sadistic, as described earlier in the decision. If unrestricted the film would be injurious to the public good.

Section 3(3)(a)(ii)

The Board is required to consider the extent and degree and the manner in which sexual violence or sexual coercion, or violence or coercion in association with sexual conduct, occurs in the film.

Although there are some scenes, which may imply sexual pleasure, there are no explicit scenes where violence is associated with sexual conduct.

Section 3(3)(a)(iii)

The Board also finds that “*Hostel Part II*” depicts physical or sexual conduct of a degrading, dehumanising or demeaning nature. The words “*degrade, dehumanise or demean*” are not defined in the Act and therefore the Oxford Dictionary definition is applied.

“Degrade – *reduce to lower rank, esp., as punishment; bring into dishonour or contempt*”

“Dehumanise – *divest of human characteristics; make impersonal or machine-like.*”

“Demean – *lower the dignity of*”

Examples in the film which degrade, dehumanise or demean, include tying Lorna to a meat hook and the victim who has his leg carved like a ham whilst still alive. The way Todd is killed in the lift by the dogs, demeaned, degraded and dehumanised him. The general manner in which the victims are abducted degrades and demeans them, and the way in which they are treated after abduction, dehumanises them. The torture scenes in general demean, dehumanise and degrade the victims. The trolley scenes where the body parts are conveyed for disposal also degrades, dehumanises and demeans the victims. A further

scene of a gallery of heads dehumanises the victims. There are numerous other scenes which degrade, dehumanise or demean in the film.

The Board must give weight to the extent and degree of degrading, dehumanising and demeaning conduct within the film. The Board finds the extent and degree of such conduct in “*Hostel Part II*” is high, as set out in the examples outlined in the preceding paragraph.

Section 3(3)(a)(v)

The Board also has to consider s 3(3)(a)(v), physical conduct in which sexual satisfaction is derived from inflicting or suffering cruelty or pain, and finds that the “blood-bath” scene is of sufficient extent and degree to cause the Board to consider the scene “objectionable”.

Section 3(3)(c)

The Board is required to consider separately from the above whether any part of the film degrades, dehumanises or demeans any person.

The Board has previously described a number of examples, which demean, degrade or dehumanise persons in “*Hostel Part II*” and repeats those examples in respect to section 3(3)(c).

The Board finds the extent and degree and the manner in which these examples are portrayed in the film is substantial.

Section 3(4)

Section 3(4) requires the Board to give particular weight to the matters in (a) to (f) in determining whether or not a publication considered under s3(3) is objectionable or should be given a classification other than objectionable pursuant to s23(2).

(a) The Dominant effect:

The dominant effect of the publication is one of torture, the infliction of serious harm and acts of significant cruelty. The depictions are graphic, numerous and disturbing.

(b) The impact of the medium:

The impact is significant as the torture and killing scenes are highly graphic.

(c) The character of the publication:

The character of the publication has some significance as part of the horror film genre. It is the second in a series of two. It is well constructed and highly competent in production terms.

(d) Persons classes or age groups intended:

The film is intended for an adult audience.

(e) The purpose for which the publication is intended:

The publication's purpose is to entertain.

(f) Any other relevant circumstances:

There are no other particularly relevant circumstances which apply to this publication.

The Bill of Rights

The Board has considered the Bill of Rights Act and the 5 step approach set out in *Moonen I*.

The Age Restriction

The applicant has agreed to the excision sought by the Board and it is therefore the Board's opinion that restriction of viewing to persons aged 18 years or over is justified, due to Society's wish to protect children and young persons from likely injury, yet providing the minimum interference with the rights under the Bill of Rights Act.

Excision

The Board required the excision of one scene in "*Hostel Part II*", the "blood-bath" scene, and this has been removed.

Descriptive Note

The Board requires the following accompanying description of "*Hostel Part II*."

"Torture and sadistic violence."